

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

FRANK W. TRUDEAU,

CV F 02-5764 LJO SMS HC

Petitioner,

ORDER DIRECTING RESPONDENT TO  
SUBMIT REPLY TO PETITIONER'S  
OBJECTIONS TO FINDINGS AND  
RECOMMENDATION

v.

D. L. RUNNELS, Warden,

[Doc. 68]

Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On February 26, 2008, the undersigned issued a Findings and Recommendation recommending that Respondent's motion to dismiss be granted and the instant petition be dismissed as time-barred. (Court Doc. 63.) Petitioner filed objections to the Findings and Recommendation on May 14, 2008. (Court Doc. 68.)

In his objections, Petitioner contends, among other things, that the law library facility at High Desert State Prison was closed continuously for the period of October 26, 2000 through May 31, 2001, and Petitioner attests to such under penalty of perjury. (See Objections, at 6; Declaration of Petitioner, at 1.) In addition, Petitioner raises evidentiary objections to the introduction of the High Desert State Prison Operations Manual regarding the law library, submitted by Respondent in its reply to Petitioner's opposition. (Court Docs. 57, 60.) The Court finds that further briefing by Respondent is necessary to address Petitioner's objections.

1           Accordingly, it is HEREBY ORDERED that within **thirty (30)** days from the date of  
2 service of this order, Respondent shall submit any and all documentation regarding the closure of  
3 the law library facility at High Desert State Prison during the period of October 26, 2000 through  
4 May 31, 2001, and any documentation regarding Petitioner's efforts to use the law library  
5 facility. In addition, Respondent shall address and present any necessary documentation  
6 regarding Petitioner's objection to the Operations Manual submitted as Exhibit 2 to its reply to  
7 Petitioner's opposition. (Court Doc. 60.)

8  
9 IT IS SO ORDERED.

10 **Dated: August 10, 2008**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE